

Entered - 01/02/01 - sb  
CL01L0010 - DIANNE C. MITCHELL

01- R -0139

CLAIM OF: RICHARD NEUHAUS,  
through his attorney,  
Carlos A. Peniche  
6430 Richmond, Suite 410  
Houston, Texas 77057

For damages alleged to have been sustained as a result of a personal  
injury at the Airport on December 10, 1999.

THIS ADVERSED REPORT IS APPROVED

BY:

Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

Robert N. Gray OCA

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0010

Date: January 16, 2001

Claimant /Victim RICHARD NEUHAUS  
BY: (Atty) Carlos A. Peniche  
Address: 6430 Richmond, Suite 410, Houston, Texas 77057  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 12/19/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/10/99 Place: Atlanta Airport  
Department Aviation Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges he was injured when he was disembarking from a Delta airplane. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5. The six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months X Other        Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

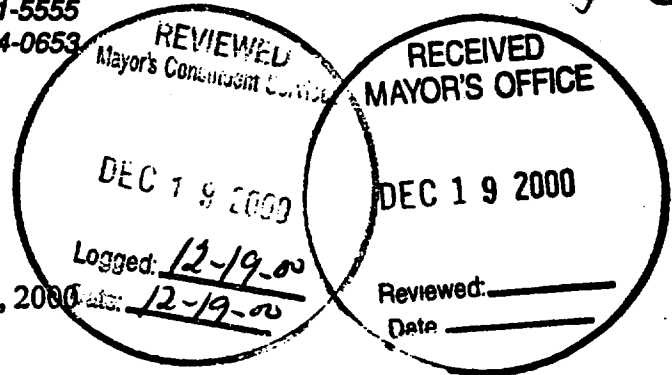
RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:        Concur/date 01-16-01  
Committee Action:        Council Action

**NICK MARAM & ASSOCIATES, P.C.**

Attorneys at Law  
6430 Richmond, Suite 410  
Houston, Texas 77057  
Tel.: (713) 271-5555  
Fax: (713) 974-0653

**Carlos A. Peniche**  
Board Certified Civil Trial Law  
Board Certified Civil Personal Injury Trial Law  
Texas Board of Legal Specialization



December 12, 2000

ENTERED -  
01L0010 - DIANNE MITCHELL

Via CM,RRR and regular mail  
Office of the Mayor of Atlanta  
55 Trinity Ave., Suite 2400  
Atlanta, GA 30335

**NOTICE PURSUANT TO GEORGIA TORT CLAIMS ACT**

To: OFFICE OF BILL CAMPBELL, MAYOR OF ATLANTA  
From: RICHARD NEUHAUS  
Date: December 8, 2000

1.0 The undersigned hereby presents this Notice of Injury and Claim for Damages under the Georgia Tort Claims Act. The injured party is RICHARD NEUHAUS. The claimant resides at 7701 Wurzbach #1402, San Antonio, TX 78229.

2.0 The occurrence giving rise to this claim took place on or about December 10, 1999, at William B. Hartsfield Atlanta International Airport. Claimant RICHARD NEUHAUS was on his way from Alabama to San Antonio. During a changeover in Atlanta, he was disembarking from a Delta airplane when his foot was caught in the jetway leading from the plane to the airport. A ridge in the jetway caused claimant RICHARD NEUHAUS to catch his cane and fall, resulting in a fractured femur.

3.0 The occurrence giving rise to this claim was the direct and proximate result of the negligence of the City of Atlanta, the owners of the airport. The claimant's injuries were proximately caused by the negligence of the City of Atlanta in that they were responsible for properly maintaining the condition of the jetway and failed to do so.

4.0 As a result of the foregoing, claimant RICHARD NEUHAUS suffered severe bodily injuries, causing him to be on crutches, and has had to undergo multiple surgeries. Further, claimant RICHARD NEUHAUS has suffered past injuries and economic damages, including medical bills and lost wages, and expects to incur additional damages in the future as a result of his lasting disability.

Respectfully submitted,



Carlos A. Peniche

SBN 15748300

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Attorneys for RICHARD NEUHAUS